

**THE FAYETTE COUNTY PLANNING COMMISSION** held a **Public Meeting/Workshop** on February 7, 2008, at 7:08 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

**MEMBERS PRESENT:** Douglas Powell, Chairman  
Al Gilbert, Vice-Chairman  
Bill Beckwith  
Jim Graw  
Tim Thoms

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Pete Frisina, Director of Planning & Zoning  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

**STAFF ABSENT:** Dennis Dutton, Zoning Administrator  
Delores Harrison, Zoning Technician

**Welcome and Call to Order:**

Chairman Powell called the Public Meeting/Workshop to order and introduced the Board Members and Staff.

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1. **Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-17. Height Limitations of Walls and Fences, Article III. Definitions, and Article IV. General Provisions as presented by the Planning & Zoning Department.**

Pete Frisina read the following to the P.C. from the “Lectric Law Library – Fences: Laws, Problems & Solutions”: City and county fence ordinances in most urban and suburban areas can be amazingly strict and detailed. Most regulate height and location, and some also control the material used and even the appearance of a fence. Many cities require a building permit to construct a fence. In reality, however, local fence laws are usually loosely enforced, if at all. Cities are not in the business of sending around fence inspection teams, and most localities contain lots of fence violations that no one has complained about. As long as nobody else minds and no one complains, a nonconforming fence may stand forever.

Mr. Frisina added that some cities control trees and shrubs the same way they do a fence. He stated that in some cities, chain link, wire, and similar materials are prohibited from fences in the front and side yards. He advised that the County Attorney did not have a problem with setting standards with height.

Mr. Frisina presented a power point presentation of numerous walls/fences.

The following is the proposed amendments with the P.C. concerns listed under each item:

Staff’s additions to the current ordinance are indicated in **bold**, underline, and *italics*. Strikethrough indicates deletion.

**ARTICLE V. GENERAL PROVISIONS**

5-17. ~~Height Limitations of Walls and Fences:~~ ***Walls, Fences, and Entrances.***

A.     Height Limitations of Walls and Fences.

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- A.     ~~1.     In any residential zoning district, solid walls and/or fences, chain linked, or other wire/wire meshed materials shall not exceed a maximum of four (4) feet in height within or along a boundary of a front yard. no wall or fence shall exceed four (4) feet in height within or along a boundary of a front yard. No wall or fence shall exceed eight (8) feet in height. All property zoned A-R where the use of the property is for farming, including the raising and selling of crops and livestock, is exempt from the four (4) foot maximum height requirement.~~

P.C. concerns: Majority of P.C. members agree to eliminate the four (4) foot height limitation.

- B.     ~~No wall or fence shall be constructed in a public right-of-way. Any entrance must be at least fourteen (14) feet apart at the driveway to allow for passage of emergency vehicles.~~

~~2.     In any residential zoning district, a wall and/or fence that is located within or along a boundary of a front yard may exceed a maximum of four (4) feet in height, when such structures are constructed of brick/brick veneer, stucco (or synthetic), rock/stone, wood/wood veneer, wrought iron/iron veneer or other architecturally engineered facades which match these materials. When a solid wall is combined with other materials, the solid wall portion as measured from the ground may not exceed a maximum of four (4) feet in height. A minimum visibility of fifty percent (50%) for all walls and/or fences is required.~~

P.C. concerns:     The inability to use chain link is discriminatory.

~~3.     Solid wall and/or fence along a State Route may exceed a maximum of four (4) feet in height provided that the driveway does not access the State Route.~~

P.C. concerns: All members concur except one (1) member.

~~4.     No wall or fence shall be constructed in a public right-of-way, and such wall or fence shall not be constructed any closer than three (3) feet from any fire hydrant, utility meter and/or utility pole.~~

No concerns.

~~5.     Any vehicular entrance/driveway must have a minimum clearance of be at least fourteen (14) feet in width and height apart at the driveway to allow for the passage of emergency vehicles. A vehicular entry monument shall be considered stand alone and detached from the wall and fence and is not subject to the minimum visibility of fifty percent (50%).~~

No concerns.

6. All property zoned A-R, where the use of the property is for farming, including the raising and selling of crops and livestock, is exempt from the four (4) foot maximum height requirement, and exempt from construction of brick/brick veneer, stucco (or synthetic), rock/stone, wood/wood veneer, wrought iron/iron veneer or other architecturally engineered facades which match these materials.

No concerns.

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**B. Subdivision Entrance Walls/Fences.**

1. Subdivision Entrance Walls/Fences must be placed on common property under the ownership of the Home Owners Association (HOA) or the Property Owners Association (POA) and shall not be allowed to be on private property. Common property shall be shown on the Final Plat. Said walls/fences shall be constructed of brick/brick veneer, stucco (or synthetic), rock/stone, wood/wood veneer, wrought iron/iron veneer, or other architecturally engineered facades which match these materials.

No concerns.

**C. Nonconformance.**

All walls/fences which existed prior to (the adoption date) are legally non-conforming and shall be allowed to be maintained and rebuilt to its current size/height. All walls/fences erected after (the adoption date) must comply with the current requirements.

No concerns.

(Note: Check with the Building Permits & Inspections Department as walls/fences may require a building permit.)

**ARTICLE V. GENERAL PROVISIONS**

5-11. Reserved. Common Area. When a common area is located between the lot and the road/street right-of-way, the setback shall be measured from the common area and shall comply with the front yard setback requirements per the classification of said road/street as defined in the Development Regulations.

No concerns.

**ARTICLE III. DEFINITIONS**

Common Area. Any part of a development that is not part of a building lot and is designed for the common usage of the development.

No concerns.

Fence. Light weight structures made of post and boards, wire, pickets, or rails.

No concerns as amended.

**Wall. Structures made of masonry or concrete.**

No concerns as amended.

The P.C. also suggested that the following items be included in the proposed amendments: 1) mandatory maintenance; 2) requirement of Zoning Compliance Certificate; and 3) uses which should be exempt such as a telecommunication tower facility and storm water facilities.

Chairman Powell asked Mr. Frisina to advise the B.O.C. that they had held four (4) Workshops; however, Staff and the P.C. have not been able to reach a consensus nor have the P.C. members been able to reach a consensus among each other. He stated that the P.C. had never been unable to reach a consensus before.

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Mr. Frisina advised the P.C. that he would list the P.C.'s concerns under each section of the proposed amendments and tweak the proposed ordinance. He said he would e-mail the revised proposed amendments to the P.C. for their input. He noted that he would advise the B.O.C. of the P.C.'s concerns and see if the proposed amendments are what the B.O.C. is looking for. He confirmed that he would present the proposed amendments at the B.O.C. Workshop on March 5, 2008, and see if they would like more revisions or if they are ready for Staff to advertise the proposed amendments for the April public hearings.

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Chairman Powell asked if there was any further business. Hearing none, Tim Thoms made a motion to adjourn the Public Meeting/Workshop. Jim Graw seconded the motion. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 8:40 P.M.

**PLANNING COMMISSION**

**OF**

**FAYETTE COUNTY**

**ATTEST:**

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**DOUG POWELL**  
**CHAIRMAN**

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**ROBYN S. WILSON**  
**P.C. SECRETARY**